



The East Punjab Refugees (Registration of Land Claims) Act, 1948

Act 12 of 1948

Keyword(s):

Claim, Land, Land-holder, Refugee

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**THE EAST PUNJAB REFUGEES (REGISTRATION OF
LAND CLAIMS) ACT, 1948.**

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**¹THE EAST PUNJAB REFUGEES (REGISTRATION
OF LAND CLAIMS) ACT, 1948.**

EAST PUNJAB ACT NO. 12 OF 1948.

*[Received the assent of His Excellency the Governor on the
1st April, 1948, and was first published in the East
Punjab Government Gazette (Extraordinary) of
April 3, 1948.]*

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1948 ..	12	East Punjab Refugees (Registration of Land Claims) Act, 1948	Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951 Amended in part by Punjab Act 14 of 1952 ² Amended by Punjab Act 25 of 1964. ³

It is hereby enacted as follows :---

1. (1) This Act may be called the East Punjab Refugees (Registration of Land Claims) Act, 1948.

Short title and
extent.

(2) It extends to the whole of ⁴[Punjab].

Interpretation.

2. In this Act unless there is anything repugnant in the subject or context,—

(a) “claim” means a statement of loss or damage suffered by a refugee since the 1st day of March, 1947, in respect of his land within the territory

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1948, page 176 ; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume II, 1948, pages 196—207 and 677-78.

²For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), dated 4th July, 1952 page 512 ; for proceeding in the Assembly see *Punjab Legislative Assembly Debates* 1952.

³For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1964, pages 935-37.

⁴Substituted for the words “East Punjab” by the Adaptation of laws Order, 1950.

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now comprised in the Provinces of ¹[Punjab in
Pakistan], North-West Frontier Province, Sind
or Baluchistan, or in any State, adjacent to the
aforesaid Provinces and acceding to*****
Pakistan ;

(b) "Land" means land which is not occupied as
the site of any building in a town or village and
is occupied or let for agricultural purposes or
for purposes subservient to agriculture or for
pasture, and includes—

(i) the sites of buildings and other structure on
such land ;

(ii) a share in the profit of an estate or holding ;

(iii) any dues or any fixed percentage of land
revenue payable by an inferior landowner to
a superior landowner ;

(iv) a right to receive rent ; and

(v) any right of occupancy.

(c) "land-holder" means an owner of land or a
tenant having a right of occupancy under the
Punjab Tenancy Act, 1887 [XVI of 1887] or a ^{XVI of}
tenant as defined in section 3 of the Coloniza- 1887.
tion of Government Lands Act, 1912 [Punjab
Act V of 1912] and such other holder or grantee ^{V of 1912.}
of land as may be specified by the ³[State]
Government ;

(d) "refugee" means a land-holder in the territories
now comprised in the Province of

¹Substituted for the words "West Punjab" by the Adaptation of laws (Third
Amendment) Order, 1951.

²The words "the Dominion of" omitted by the Adaptation of Laws (Third
Amendment) Order, 1951.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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¹[Punjab in Pakistan], or who or whose ancestor migrated as a colonist ²[from the undivided Punjab] since 1901, to the Provinces of North-West Frontier Province, Sind or Baluchistan or to any State adjacent to any of the aforesaid Provinces and acceding to *** ³ *** Pakistan, and who has since the 1st day of March, 1947, abandoned or been made to abandon his land in the said territories on account of civil disturbances, or the fear of such disturbances, or the partition of the country ;

(e) "Registering Officer" means a Land Claims Officer or Assistant Land Claims Officers appointed under this Act and includes any Revenue Officer as defined in section 6 of the Punjab Land Revenue Act [Act No. XVII of 1887] within the area of his jurisdiction ; and

XVII of
1887.

(f) "prescribed" means prescribed by rules made under this Act.

⁴(g) "Deputy Commissioner" means a Deputy Commissioner of the District and includes an Additional Deputy Commissioner or other officer appointed by the State Government to perform in any District or Districts or parts thereof the functions of a Deputy Commissioner under this Act.]

3. For the purpose of registering claims under this Act the ⁵[State] Government may, by notification, appoint one or more Land Claims Officers and Assistant Claims Officers and may specify the local limits of their jurisdiction.

Power to appoint
Land Claims
Officers.

¹Substituted for the words "West Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

²Substituted for the words "from the Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

³The words "the Dominion of" omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

⁴Added by Punjab Act 14 of 1952, section 2.

⁵Substitute for the word, Principal, by the Adaptation of Laws Orders, 1850.

Registration of land
claims.

4. (1) A refugee may submit to the Registering Officer on the prescribed form and supported by an affidavit an application for the registration of his claim in respect of his land abandoned by him, or which he has been made to abandon :

Provided that a refugee who has previously submitted a claim under Ordinance VII of 1948, to any other authority competent to register such claim shall not submit another claim in respect of the same land to the Registering officer.

(2) The Registering Officer shall thereupon register his claim.

Powers.

5. The Registering Officer shall have all the powers of a Civil Court for the purpose of attesting affidavits under this Act.

Protection of action
taken under this
Act.

6. No suit, prosecution or other legal proceedings shall lie against the ¹[State] Government or the Registering Officer or any person acting under his directions in respect of anything done or purporting to have been done in pursuance of this Act.

Offences and penal-
ties.

7. Any person who—

(a) submits with regard to his claim under this Act any information which is false ; or

(b) being a public servant as defined in section 21 of the Indian Penal Code, 1860 [Act XLV of 1860], abets the commission of an offence under clause (a) above ;

XLV of
1860.

shall be punishable with rigorous imprisonment which may extend to five years or with fine up to Rs. 5,000 or with both.

8. (1) Any person who in the opinion of a Deputy Commissioner has submitted with regard to his claim any information which is false shall in addition to any other

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

punishment to which he may be liable, be by order in writing of the Deputy Commissioner, disqualified from being allotted any land by the ¹[State] Government, or, if he has already been allotted land by the ¹[State] Government, such allotment shall be, by order in writing of the Deputy Commissioner cancelled either in whole or in part.

(2) Any person aggrieved by an order passed by a Deputy Commissioner under sub-section (1) may, within thirty days of the making of the order, appeal against that order to the Financial Commissioner.

(3) The order of the Financial Commissioner on such appeal, and subject only to such order, the order of the Deputy Commissioner shall be final and conclusive and shall not be liable to be called in question in any court.

9. (1) All offences under this Act shall be triable by a ²[Judicial Magistrate] of the first class in accordance with the provisions of the Code of Criminal Procedure, 1898 [V of 1898] Procedure.

(2) No prosecution for any offence punishable under this Act shall be instituted except on a complaint in writing by the District Magistrate of the district in which that offence was committed.

10. The ¹[State] Government may by notification make such ³rules as appear to it to be necessary or expedient, for putting into effect the provisions of this Act.

11. The East Punjab Refugees (Registration of Land Claims) Ordinance No. VII of 1948 is hereby repealed and any rules made, notifications issued, anything done, any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, issued, done or taken in exercise of the powers conferred by, or under this Act as if this Act had come into force on 3rd day of March, 1948.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Substituted for the word "Magistrate" by Punjab Act, 25 of 1964.

³For rules framed under the East Punjab Ordinance No. VII of 1948, see *East Punjab Government Gazette* (Extraordinary), dated 20th March, 1948, page 295.